

**Declaration, Petition and Power of Attorney for Patent Application**

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**MATERIAL REMOVAL CATHETER AND METHOD**

the specification of which (check only one):

  X   is attached hereto; or

       was filed as United States or PCT International Application Serial No.        on       ,  
and was amended on        (if applicable).

I hereby state that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or (f), or §365(b) of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Prior foreign/PCT application(s) and priority claims under 35 U.S.C. §119(a)-(d) or §365

| Country | Application Number | Filing Date<br>(day, month, year) |
|---------|--------------------|-----------------------------------|
|         |                    |                                   |
|         |                    |                                   |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Prior U.S. applications for benefit under 35 U.S.C. §119(e)

| Application Number | Filing Date   |
|--------------------|---------------|
| 60/396,042         | July 15, 2002 |
|                    |               |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S. Applications or PCT International Applications  
designating the U.S. for benefit under 35 U.S.C. § 120

| Application Number | Filing Date<br>(day, month, year) | Status<br>(issued, pending, abandoned) |
|--------------------|-----------------------------------|--|
|                    |                                   |  |
|                    |                                   |  |

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Steven M. Mills    Reg. No. 36,610

Anthony P. Onello, Jr.    Reg. No. 38,572

Send correspondence and direct telephone calls to:

Anthony P. Onello, Jr.  
MILLS & ONELLO LLP  
Eleven Beacon Street, Suite 605  
Boston, Massachusetts 02108  
phone: (617) 994-4900  
facsimile: (617) 742-7774

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**First Inventor**

|   |   |  |
|---|---|--|
| Family Name<br><b>Hayase</b>                              | First Given Name<br><b>Motoya</b>                             | Second Given Name                                    |
| City of Residence<br><b>Boston</b>                        | State or Foreign Country of Residence<br><b>Massachusetts</b> | Country of Citizenship<br><b>Japan</b>               |
| Post Office Address<br><b>One Longfellow Place, #1921</b> | City<br><b>Boston</b>   | State & Zip Code/Country<br><b>MA, 02114, U.S.A.</b> |
| Signature   |   | Date   |

Second Inventor

|  |   |  |
|--|---|--|
| Family Name<br><b>Flaherty</b>                 | First Given Name<br><b>J. Christopher</b>                     | Second Given Name                                    |
| City of Residence<br><b>Topsfield</b>          | State or Foreign Country of Residence<br><b>Massachusetts</b> | Country of Citizenship<br><b>U.S.A</b>               |
| Post Office Address<br><b>242 Ipswich Road</b> | City<br><b>Topsfield</b>                                      | State & Zip Code/Country<br><b>MA, 01983, U.S.A.</b> |
| Signature                                      |   | Date   |

J:\JCF\0002\decpoa.wpd